

Department of Energy

§215.4

§215.2 Definitions.

As used in this subpart:

Administrator means the Federal Energy Administrator or his delegate.

DOE means the Department of Energy.

Host government means the government of the country in which crude oil is produced and includes any entity which it controls, directly or indirectly.

Person means any natural person, corporation, partnership, association, consortium, or any other entity doing business or domiciled in the U.S. and includes (a) any entity controlled directly or indirectly by such a person and (b) the interest of such a person in any joint venture, consortium or other entity to the extent of entitlement to crude oil by reason of such interest.

§215.3 Supply reports.

(a) Any person having the right to lift for export by virtue of any equity interest, reimbursement for services, exchange or purchase, from any country, from fields actually in production, (1) an average of 150,000 barrels per day or more of crude oil for a period of at least one year, or (2) a total of 55,000,000 barrels of crude oil for a period of less than one year, or (3) a total of 150,000,000 barrels of crude oil for the period specified in the agreement, pursuant to supply arrangements with the host government, shall report the following information.

(1) Parties (including partners and percentage interest, where applicable).

(2) Grade or grades available; loading terminal or terminals.

(3) Government imposed production limits, if any.

(4) Minimum lifting obligation and maximum lifting rights.

(5) Details of lifting options within the above limits.

(6) Expiration and renegotiation dates.

(7) Price terms including terms of rebates, discounts, and number of days of credit calculated from the date of loading.

(8) Other payments to or interests retained by the host government (i.e. taxes, royalties, and any other payment to the host government) expressed in terms of the applicable rates

or payment or preemption terms, or the base to which those rates or terms are applied.

(9) Related service or other fees and cost of providing services.

(10) Restrictions on shipping or disposition.

(11) Other material contract terms.

(b) Reports under this section shall be made no later than (1) 60 days after final issuance of reporting forms implementing this regulation, as announced in the FEDERAL REGISTER, (2) fourteen days after the date when supply arrangements are entered into, or (3) fourteen days after the initial lifting under an agreement in which the parties have tentatively concurred but not signed, whichever occurs first. Reporting shall be based on actual practice between the parties. Material changes in any item which must be reported pursuant to this section shall be reported no later than 30 days after a person receives actual notice of such changes.

(c) Where reports under this section by each participant in a joint operation would be impracticable, or would result in the submission of inaccurate or misleading information, the participants acting together may designate a single participant to report on any of the rights, obligations, or limitations affecting the operation as a whole. Any such designation shall be signed by a duly authorized representative of each participant, and shall specify:

(1) The precise rights, obligations, or limitations to be covered by the designation; and

(2) The reasons for the designation. Such designations shall be submitted to the Assistant Administrator for International Energy Affairs, and shall take effect only upon his written approval, which may at any time be revoked.

§215.4 Production of contracts and documents.

Whenever the Administrator determines that certain foreign crude oil supply information is necessary to assist in the formulation of energy policy or to carry out any other function of the Administrator, he may require the production by any person of any agreement or document relating to foreign